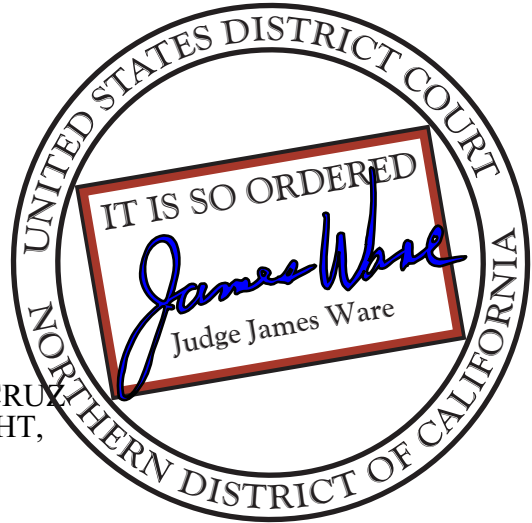


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DINER; GILBERT F. KIRCHNER dba SANTA CRUZ  
DINER, LACRETIA WRIGHT, GARY R. WRIGHT,  
JR., LARRY D. WRIGHT, SHANA K. WRIGHT  
and TONYA R. JONES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and  
DISABILITY RIGHTS  
ENFORCEMENT, EDUCATION  
SERVICES: HELPING YOU HELP  
OTHERS, a California public benefit  
corporation,

Plaintiffs,

v.

SANTA CRUZ DINER, INC.; GILBERT F.  
KIRCHNER dba SANTA CRUZ DINER;  
LACRETIA WRIGHT; LARRY D. WRIGHT;  
GARY R. WRIGHT, JR.; SHANA K.  
WRIGHT; and TONYA R. JONES,

Defendants.

Case No. C04-2439 JW PVT

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING PRE-TRIAL  
CONFERENCE**

IT IS HEREBY STIPULATED by and through Plaintiffs JAREK MOLSKI,  
DISABILITY RIGHTS ENFORCMENT, EDUCATION SERVICES, and HELPING YOU HELP  
OTHERS (hereinafter "Plaintiffs"), on the one hand, and Defendants SANTA CRUZ DINER,  
GILBERT F. KIRCHNER dba SANTA CRUZ DINER, LACRETIA WRIGHT, GARY R.  
WRIGHT, JR., LARRY D. WRIGHT, SHANA K. WRIGHT and TONYA R. JONES (hereinafter  
"Defendants"), on the other hand, as follows:

\\

1                   1.       Currently, the Pre-Trial Conference is on calendar for Monday, February 27,  
2 2006.

3                   2.       Plaintiffs obtained leave of Court and filed their First Amended Complaint  
4 in order to include additional defendants LACRETIA WRIGHT, LARRY D. WRIGHT, GARY R.  
5 WRIGHT, JR. SHANA K. WRIGHT and TONY R. JONES

6                   3.       Plaintiffs accomplished service of process on these newly added defendants  
7 on or about September 11, 2005.

8                   4.       On October 11, 2005, plaintiffs' counsel stipulated with counsel for the new  
9 defendants, granting them an extension of time up to and including October 25, 2005 to answer or  
10 otherwise respond to plaintiffs' complaint.

11                  5.       These defendants LACRETIA WRIGHT, LARRY D. WRIGHT, GARY R.  
12 WRIGHT, JR. SHANA K. WRIGHT and TONY R. JONES answered the First Amended Complaint  
13 on or about October 28, 2005.

14                  6.       The newly added defendants LACRETIA WRIGHT, LARRY D. WRIGHT,  
15 GARY R. WRIGHT, JR. SHANA K. WRIGHT and TONY R. JONES have not had sufficient time  
16 to respond to plaintiffs' allegations.

17                  7.       Plaintiffs have recently made a settlement demand which includes some  
18 possible motion practice. Due to the above-mentioned factors, the parties request a continuance.

19                  8.       Any dispositive motions are requested to be heard within 20 days prior to the  
20 Pre-Trial Conference.

21                  9.       THEREFORE, the parties stipulate and respectfully request that the Pre-Trial  
22 Conference be continued for a period of approximately 90 days.

23 \\\

24 \\\

25 \\\

26 \\\

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28 \\\

1 This Stipulation may be executed in faxed counterparts, all of which together shall  
2 constitute one original document.

3 IT IS SO STIPULATED.

4 DATED: February \_\_\_\_, 2006

5 BORTON, PETRINI & CONRON, LLP

6  
7 By \_\_\_\_\_/s/\_\_\_\_\_  
8 Samuel L. Phillips, Esq., Attorneys for Defendants,  
9 SANTA CRUZ DINER; GILBERT F. KIRCHNER dba  
10 SANTA CRUZ DINER, LACRETIA WRIGHT, GARY  
11 R. WRIGHT, JR., LARRY D. WRIGHT, SHANA K.  
12 WRIGHT and TONYA R. JONES

13 DATED: February \_\_\_\_, 2006

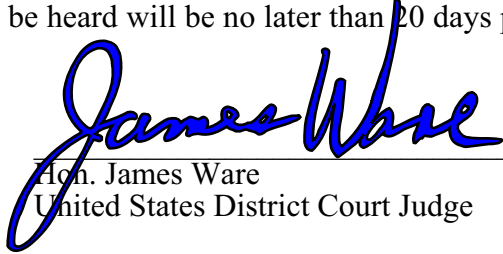
14 THOMAS E. FRANKOVICH,  
15 A PROFESSIONAL LAW CORPORATION

16 By \_\_\_\_\_/s/\_\_\_\_\_  
17 Thomas E. Frankovich, Attorneys for Plaintiffs  
18 JAREK MOLSKI and DISABILITY RICHTS  
19 ENFORCEMENT, EDUCATION SERVICES:  
20 HELPING YOU HELP OTHERS

21 **ORDER**

22 IT IS SO ORDERED that the Pre-Trial Conference shall be continued from February  
23 27, 2006, to \_May 22\_\_\_\_\_, 2006 at 11:00am a.m./p.m. The parties shall file their preliminary  
24 pretrial and trial setting conference statement no later than ten (10 days) prior to the conference and  
25 that the last day for dispositive motions to be heard will be no later than 20 days prior to the Pre-  
26 Trial Conference.

27 DATED: February 21, 2006

28   
Hon. James Ware  
United States District Court Judge